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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/715,265

11/17/2003

Kevin Currans

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EXAMINER

DURNFORD GESZVAIN, DILLON

ART UNIT

PAPER NUMBER

2622

NOTIFICATION DATE

DELIVERY MODE

12/07/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/715,265

Applicant(s)

CURRANS, KEVIN

Examiner

Dillon Durnford-Geszvain

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2/11/07
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Claims **1-24** are pending, claims **1, 12, 13, 14, 23** and **24** are amended.

Response to Arguments

2. Applicant's arguments with respect to claims **1-22** have been considered but are moot in view of the new ground(s) of rejection.
3. Applicant's arguments filed 9/14/2007 have been fully considered but they are not persuasive. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., memory fields for storing a confidence factor) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 102

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims **23** and **24** are rejected under 35 U.S.C. 102(e) as being anticipated by US 6,928,230 (Squibbs)

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

As to claim **23**, Squibbs teaches a method comprising:

storing image data representing pixels in a captured image (Column 10 lines 45-49);

storing image metadata representing data associated with conditions at the time that the image was captured (Column 10 line 66 to Column 11 line 18);

generating inference metadata by searching information databases using at least a portion of the image metadata (Column 4 lines 40-43, note that the semantic location data is assigned to the image by a user and the information has to come from some sort of database, even if that database is only information contained in the memory of the user);

matching the inference metadata with the image data (Column 4 lines 40-43);
and

calculating a confidence factor relating to the matched inference data (Squibbs teaches the user assigning the inference data and therefore the user would implicitly calculate a confidence factor relating to how confident they are that the data they select

is correct, note that the claim does not specify how the confidence factor is calculated or even what the confidence factor is used for, i.e. generating the confidence factor is an end itself and it is not utilized to produce any further concrete result)

As to claim **24**, see the rejection of claim **23** and note that Squibbs further teaches the method of claim **23** further comprising: storing an identify of a person supervising the match (USER ID, see Fig. 4).

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims **1-6**, **8-17** and **19-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2004/0114042 (Paolini et al.) in view of JP 2002-051282 (Cazier), using US 6,657,661 (Cazier) the corresponding US application as a translation all references will be to the US patent document.

As to claim **1**, Paolini et al. teaches a method of correlating an image with information associated with the image comprising: identifying image metadata for the image ([0032]), wherein the image metadata includes information associated with conditions at the time of image capture ([0030] lines 2-4); and searching one or more information sources using parameters in the image metadata to collect inference information from the information sources ([0032]).

What Paolini does not teach is displaying the image inference information for user selection. However, Cazier teaches displaying image inference information for user selection (Column 3 line 61-65). Therefore it would have been obvious to display image inference information for user selection in order to facilitate selection of the image (Column 1 lines 58-61).

As to claim 2, see the rejection of claim 1 and note that Paolini et al. further teaches the method of claim 1 further comprising: receiving one or more inputs from the user identifying selected inference information; and adding the selected inference information to an image file for the image ([0021], see the last 4 lines, [0033] lines 4-7, and [0035] and note that the search is user controlled).

As to claim 3, see the rejection of claim 1 and note that Paolini et al. further teaches the method of claim 1 further comprising: receiving one or more inputs from the user identifying selected inference information; and adding the selected inference information to an inference metadata file linked to the image [0021], see the last 4 lines, [0033] lines 4-7, and [0035] and note that the search is user controlled).

As to claim 4, see the rejection of claim 1 and note that Paolini et al. further teaches the method of claim 1 wherein the image metadata includes parameters selected from the group consisting of: time of image capture; date of image capture; location of image capture ([0030]); direction of image capture device during image

capture; and angle of image capture device during image capture.

As to claim 5, see the rejection of claim 1 and note that Paolini et al. further teaches the method of claim 1 wherein the image metadata includes a latitude and longitude of the image capture device ([0018]).

As to claim 6, see the rejection of claim 1 and note that Paolini et al. further teaches the method of claim 1 wherein the image metadata includes location information generated by tracking multiple earth-orbiting satellites ([0018] and note that the GPS used by Paolini et al. inherently uses multiple earth orbiting satellites).

As to claim 8, see the rejection of claim 1 and note that Paolini et al. further teaches the method of claim 1 wherein the inference information is selected from the group consisting of: landmarks located near the image ([0018]); weather at the time of image capture; information related to the location where the image was captured; and objects that are within the field of view of the image capture device ([0018], and [0033] which describes retrieving those names from a database).

As to claim 9, see the rejection of claim 1 and note that Paolini et al. further teaches the method of claim 1 further comprising: searching a first database (a local database) using the image metadata to identify the inference information ([0032]); and searching a second database (a web-based database, for example) using the inference

information to identify additional inference information ([0034]).

As to claim **10**, see the rejection of claim **1** and note that Paolini et al. further teaches the method of claim **1** wherein said image metadata is associated with a series of images taken over a period of time ([0019], note the system may be used to annotate videos).

As to claim **11**, see the rejection of claim **1** and note that Paolini et al. further teaches the method of claim **1** wherein said image metadata is associated with a series of images taken while the location of the image capture device was changing ([0019], the system may be used to capture data associated with video, or see Fig. 3 and note that the method of Fig. 3 may be carried out repeatedly).

Claims **12-17** and **19-22** are apparatus claims that correspond to the method claims **1-6** and **8-11** respectively and are therefore rejected on the same grounds but directed to an apparatus instead of a method.

8. Claims **7** and **18** are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2004/0114042 (Paolini et al.) in view of US 6,961,096 (Tsujimoto).

As to claim **7**, see the rejection of claim **1** and note that Palini et al. does not specifically discuss the printing of images and associated data. However, Tsujimoto teaches printing image data along with associated meta-data and other descriptive

information, such as a location name (See Fig. 6 and Column 8 lines 61-67 and Column 11 lines 41-48). This feature allows for the benefit to the user of being able to identify the circumstances surrounding an image capture including a place name (Column 8 lines 47-51 and Column 11 lines 41-48)

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have made prints of the images taken by the method of Paulini et al. and to have further printed meta-data and the associated inference data as is done in a method taught by Tujimoto as discussed above as this would allow a user to identify when and where the image was taken.

Claim **18** is an apparatus claim that corresponds to the method claim **7** and is therefore rejected on the same grounds but directed to an apparatus instead of a method.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dillon Durnford-Geszvain whose telephone number is (571) 272-2829. The examiner can normally be reached on Monday through Friday 8 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dillon Durnford-Geszvain

11/26/2007



LIN YE
SUPERVISORY PATENT EXAMINER